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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,112	11/13/2001	Andrew R. Ferlitsch	10237.10	4303
21999	7590	08/22/2006	EXAMINER	
KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			QIN, YIXING	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/010,112	FERLITSCH, ANDREW R.
	Examiner Yixing Qin	Art Unit 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 May 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4,5,7,8,10-14,16,18,20,29 and 33-48 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,4,5,7,8,10-14,16,18,20,29 and 33-48 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 13 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection. Please see the rejection below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1, 4, 5, 8, 10, 29, 33, 35-38 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (U.S. Patent No. 6,385,675).

Regarding claims 1 and 29, Yamaguchi discloses a system that includes a computer device and a printing device, a method for providing debit print job accounting, the method comprising:

receiving a request from a user to render a print job; (column 2, lines 49-51)  
spooling data of the print job to a spooler of one of:

- (i) a client computer devices;
- (ii) a print server; (Fig. 2, item 101F)

using a print subsystem component to authenticate the user and an account of the user, wherein the print subsystem component is one of: (column 2, lines 49-65)

- (i) the spoolers; and
- (ii) a print processor; (Fig. 2, item 101F/101G of image processor 101)

using the print subsystem component to parse the spooled data and determine a layout and a number of pages of the print job; (column 3, lines 9-21)

Yamaguchi does not explicitly disclose that accounting occurs prior to the despooling of a print job.

However, Yamaguchi discloses in column 4, lines 43-56 that an estimated charge amount can be given to a user for verification prior to the image processor carrying out image processing and the sending of PDL to the digital copier. While Yamaguchi does not explicitly disclose that despooing occurs after the accounting portion, the PDL needs to be rasterized prior to a printing operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have despooled the print job after accounting occurs.

The motivation would have been to enable an user to verify that there is proper funds in an account prior to printing.

Therefore, it would have been obvious to use Yamaguchi to obtain the invention as specified.

using the print subsystem component to determine an amount of available funds in the user's account; (column 4, lines 45-48) and

if the amount of available funds exceeds the cost for consumables, using the print subsystem component to debit the cost of the print job from the user's account and rendering the print job at the printing device. (column 4, lines 45-67, especially lines 64-67)

Regarding claim 4, Yamaguchi discloses wherein said using a print subsystem component to authenticate the user and the account of the user further comprises receiving information from the user to perform said authentication. (Fig. 3 and column 3, lines 38-46).

Regarding claim 5, Yamaguchi discloses wherein the information received includes a password. (Fig. 3 and column 3, lines 38-46).

Regarding claims 8 and 38, Yamaguchi discloses wherein if the amount of available funds does not exceed the cost for consumables, denying a spooling of the print data to the printing device. (column 4, lines 64-67)

Regarding claims 10 and 33 Yamaguchi discloses wherein said using the print subsystem component to parse the spooled data and determine a layout and a number of pages of the print job comprises:

determining sheet assembly requirements for rendering the print job;  
determining the resolution to be used to render the print job;  
determining whether binding materials are to be used for the print job;  
determining the type of print to render the print job;  
determining sheet assembly characteristics of the print job; and  
determining a type of paper and ink to be used to render the print job. (column 3, lines 9-21, the Kurijai reference also discloses various print job characteristics that are determined in Fig. 5)

Regarding claims 35, 36, 37, 46, 47 and 48, Yamaguchi discloses a computer program product using a print subsystem component to authenticate the user and the account of the user comprises using an application program interface call to pass the user and account information. (column 3, lines 37-46)

II. Claims 7 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (U.S. Patent No. 6,385,675) in view of Kurijai et al (U.S. Patent No. 6,618,566).

Regarding claim 7 and 34, Yamaguchi discloses the authentication of users using a password.

It does not explicitly disclose "wherein said using a print subsystem component to authenticate the user and the account of the user comprises embedding the user and the account information in the spooled data."

However, the secondary reference, Kurijai, discloses in Fig. 4 and column 7, lines 30-34 that information regarding the embedding of the authentication information with the print job.

Yamaguchi and Kurijai are combinable because they are both in the art of job accounting for a print job.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have embedded the authentication information with the print job.

The motivation would have been to make it easier to keep track of jobs.

Therefore, it would have been obvious to combine Yamaguchi and Kurijai to obtain the invention as specified.

III. Claims 11-13 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (U.S. Patent No. 6,385,675) in view of the applicant's admitted prior art in the applicant's specification (Background).

Regarding claims 11, 12, 13, 39, 40 and 41, Yamaguchi discloses a system for job accounting and the determination of characteristics of a print job.

It does not explicitly disclose "wherein said determining the number of pages includes counting the number of EMF pathnames."

However, the background discloses in page 19, lines 1-5 that in the Windows 9X family, the spool data file contains pathnames to each EMF page. On page 22, lines 9-13, the applicant's specification discloses that in commonly known page description languages, the page data is parsed and boundaries are identified . On page 25, lines 16-18 the applicant's specification discloses that in the NT/2K family, the spool data file contains a linked index to the file offset. Since all the information is already provided by the OS or by commonly known page description languages, it would have been obvious to one of ordinary skill to simply count up the provided information.

Yamaguchi and the Background are combinable because both are in the art of job accounting for a print system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have counted the number of EMF pathnames.

The motivation would have been to use the EMF pathnames to easily identify parts of a print job for easier job accounting.

Therefore, it would have been obvious to combine Yamaguchi and the Background to obtain the invention as specified.

III. Claims 14, 16, 18, 21, and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (U.S. Patent No. 6,385,675) in view Shaw et al (U.S. Patent No. 5,602,974 – “Shaw”).

Regarding claims 14, 16, 42 and 43, Yamaguchi discloses the parsing of a print job.

It does not explicitly disclose “writing print instructions to a printer driver; saving print instructions and device context in EMF; and initiating spooling of journaled data to the spooler.”

However, the secondary reference, Shaw, discloses in the abstract the spooling of an EMF (i.e. journaled data) file. Shaw also discloses in Fig. 1 that the EMF contains various data. Please also see column 3 – column 5 lines 1-30 and the various tables contained within. Shaw further discloses in column 1, lines 12-18 that raw data are conventionally used.

Yamaguchi and Shaw are combinable because both are in the art of processing print jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied Shaw’s technique to Yamaguchi’s invention.

The motivation would have been to enable easier parsing and storing of data.

Therefore, it would have been obvious to combine Yamaguchi and Shaw to obtain the invention as specified.

Regarding claims 18, 44 and 45, Yamaguchi discloses Yamaguchi discloses the parsing of a print job.

It does not explicitly disclose the steps of :

writing print instructions to a printer driver;

saving print instructions and device context in EMF;

spooling EMF data to a client spooler;

despooling EMF data to a client print processor; and initiating queuing of the print job on a print server.

However, Shaw discloses in column 9, lines 24-27 the de-spooling of a document to a printer, which one would understand would have a print processor. Shaw further suggests in column 6, lines 44-48 that a router sends information from a local spooler to a print server spooler, which indicates that a job is spooled at a local (i.e. client) spooler. Although Shaw does not explicitly disclose the de-spooling of the file locally, it would be obvious to one of ordinary skill since the de-spooling process can just as easily be implemented on a local computer instead of a server computer. Shaw discloses in column 9, lines 22-27 that a background process in a print server queues print jobs. Again, as mentioned in claims 14 and 16 above, Shaw discloses both EMF and raw data types.

Yamaguchi and Shaw are combinable because both are in the art of processing print jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied Shaw's technique to Yamaguchi's invention.

The motivation would have been to enable easier parsing and storing of data.

Therefore, it would have been obvious to combine Yamaguchi and Shaw to obtain the invention as specified.

Regarding claim 21, this claim have been addressed in claim 18 above in the Shaw reference in column 9, lines 24-27 - the de-spooling of a document to a printer.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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